

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TRUSTEES OF THE BRICKLAYERS AND ALLIED) Index No.: 21-CIV-02941 (CS)
CRAFTWORKERS, LOCAL 5 NEW YORK)
RETIREMENT, WELFARE, LABOR MANAGEMENT)
COALITION, AND APPRENTICE TRAINING AND)
JOURNEYMEN UPGRADING FUNDS AND)
BRICKLAYERS AND ALLIED CRAFTWORKERS)
LOCAL 1 NEW YORK,)
)
Plaintiffs,)
-against-) DEFAULT JUDGMENT
)
MJC MASON CONTRACTING CORP. a/k/a MJC)
MASON CONTRACTING, INC. and HERBERT W.)
CLEMEN, Individually,)
)
Defendants.)
)

This action having been commenced on April 6, 2021 with the filing of the Summons and Complaint; a copy of the Summons and Complaint was served on Defendant, MJC Mason Contracting Corp. a/k/a MJC Mason Contracting, Inc. via NYS Secretary of State on April 13, 2021 and proof of such service thereof was filed on April 27, 2021. A copy of the Summons and Complaint was served on Defendant, Herbert W. Clemen, via personal service on April 28, 2021 and proof of such service thereof was filed on May 26, 2021 and the Defendants not having appeared, answered or otherwise moved with respect to the Complaint within the time allowed by law, and the time for appearing, answering or otherwise moving having expired it is,

ORDERED, ADJUDGED AND DECREED: that the Plaintiffs have judgment against Defendants in the liquidated amount of Fifty Three Thousand and Sixty Dollars and Thirty-Five Cents (\$53,060.35), which includes the following: unpaid benefit fund contributions due and owing in the minimum sum of \$36,093.60 based on upon certified payroll for the period week ending May 20, 2017

through to and including July 29, 2017 and week ending October 7, 2017 through October 14, 2017; \$11,053.56 in interest calculated at 8.75% above prime per annum through to June 14, 2021; \$3,158.19 in liquidated damages calculated at 8.75% of the principal amount; attorneys' fees in the amount of \$2,155.00; and court costs and disbursements in the amount of \$600.00 pursuant to the Labor Agreement, the Policy for Collection of Delinquent Contributions and in accordance with Section 502 (g)(2)(D) of ERISA 29 U.S.C. 1132 (g)(2)(D)).

ORDERED, that the Judgment rendered by the court on this day in favor of the Plaintiffs be entered as a final judgment against Defendants and the Clerk of the Court is directed to enter such judgment forthwith.

Dated: White Plains, New York

July 20, 2021

So Ordered:

Cathy Seibel

Honorable Cathy Seibel, U.S.D.J.